

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RODNEY L. EMIL,

Petitioner

v.

WILLIAM GITTERE, et al.,

Respondents

Case No.: 3:00-cv-0654-KJD-CLB

ORDER

Respondents filed a request for clarification in relation to this court's order of September 27, 2019 (ECF No. 287), which granted in part and denied in part their motion to dismiss (ECF No. 255). ECF No. 293. With their request, respondents question the following ruling on Claim 17 of Emil's Fourth Amended Petition (ECF No. 244):

In Claim 17, Emil alleges that his conviction is invalid because the jury was not required to find all the independent elements of first degree murder. Emil presented this claim in his initial state post-conviction proceeding. ECF No. 191-2, p. 59-81. Claim 17 is not procedurally defaulted.

ECF No. 287 at 29.

Respondents are correct that the order contains a typographical error by citing to "ECF No. 191-2, p. 59-81." The correct citation is "ECF No. 191-4, p. 59-81." The court stands by its decision, however, that the claim is not procedurally defaulted.

1 **IT IS SO ORDERED.**

2 **IT IS FURTHER ORDERED** that respondents' unopposed motion for an extension of
3 time (ECF No. 294) is GRANTED. Respondents shall have until and including May 19, 2020,
4 within which to file their Answer to Petitioner's Fourth Amended Petition (ECF No. 255).

5 **IT IS FURTHER ORDERED** that, in all other respects, the schedule set forth in the
6 scheduling order entered on January 6, 2017 (ECF No. 241), shall remain in effect.

7 Dated: May 11, 2020



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UNITED STATES DISTRICT JUDGE